COVID – 19 GUIDANCE
MASTERS' COURTS

QUEEN'S BENCH and APPEALS

16 April 2021

The work of the **Queen's Bench and Appeals** Masters will continue in accordance with the arrangements and procedures set out below until further notice.

This guidance replaces the guidance for the Queen's Bench and Appeals Masters' Courts that was published on 8 January 2021

KEY CHANGES TO PREVIOUS GUIDANCE

- **Interlocutory Summonses -** Practitioners are reminded that **Form** QBCI2 must be filed for the first court listing **and an updated form QBC12** is **required for any subsequent listings.**

- **Review lists** - A new form has been introduced specifically for use in the Master's Review Lists (Personal Injuries and Clinical Negligence cases). **Form** QBCI3 should be completed and submitted for the first review **and an updated form QBC13** is required for any subsequent reviews.

INTERLOCUTORY SUMMONSES

Interlocutory summonses will be issued and allocated first return dates to a Friday Summons Court. The court will deal with new summonses **administratively** (on the papers/written submissions) therefore parties **must not** attend court on the date which appears on the summons.

Parties should collaboratively (where possible) complete and file form **QBCI2** together with an agreed order. Where there is a difference of opinion between the parties as regards what directions should issue, the parties, if they agree, should file brief written submissions indicating their respective positions. **A form QBCI2 is required for all summonses whether agreed or contested.**

Form **QBCI2** and all supporting information must be lodged by email with the Central Office (centraloffice@courtsni.gov.uk) **at least 5 days** before the court date. The subject line of your email should state **"QBD Master's Summons Court (Administrative) – on (***insert court date)***". An updated form QBCI2 must be filed for any subsequent listings.**

If the defendant is not legally represented, the party issuing the summons will be responsible for providing a copy of this guidance with the summons.

Where a Form **QBCl2** containing the requisite information is not provided by the due date, the summons may be **Struck Out**.

Adjournments
Requests for adjournments if agreed, will be dealt with administratively by the court office and adjourned to a future Friday Summons Court, unless a hearing date has been fixed.

Urgent Business
The Masters will continue to expedite the listing of urgent business where genuine urgency is demonstrated.

CONTESTED SUMMONSES

Disposal of Contested Summonses – On the Papers

Subject to consideration of any objection by the parties, the Masters will continue to deal with straightforward contested summonses for such relief as discovery, remittal and removal, compelling replies and similar applications, on the papers. They will also, in appropriate cases, at the request of or with the agreement of the parties, deal with all or part of more complex summonses on the papers.

The party who issued the summons will be responsible for providing the court with case management directions and a complete **electronic trial bundle**. The electronic document must be numbered in ascending order throughout. Pagination should begin with the first page of the first document and should be continued throughout the entire series of documents. The index page must be hyperlinked to the pages or documents to which it refers. The Master may dispense with the need for an electronic bundle in a particular case.

In the more complex summonses, bundles must include detailed written submissions together with bundles of authorities (subject to any direction by the Master as to the filing of hard copy bundles).

In the more straightforward summonses, the parties may file short written submissions (authorities will generally not be required) and in the case of remittal or removal applications, may file agreed summaries of the medical evidence in lieu of the full medical and other reports. For the purpose of taxation of costs, summonses dealt with on the papers which include counsels' written submissions will be certified for counsel.

The Master may arrange a short directions hearing by telephone conference for final directions and fixing a date for a hearing if required.

Disposal of Contested Summonses – Hearing required

If there is a need for the matter to be resolved by a hearing, the Master will facilitate a hearing via one of the following options:

- Remote Hearing (using Sightlink or WebEx)
- Live Hearing
- Hybrid Hearing (partly remote /partly live)
- Telephone Conference

Where the Master determines that a contested summons will be dealt with via a remote, live or hybrid hearing, the party who issued the summons will be responsible for providing the court with case management directions and a complete **electronic trial bundle**. The directions referred to above for the filing of electronic bundles will apply to such summonses. The Master may dispense with the need for an electronic bundle in a particular case.

The Master may arrange a short directions hearing by telephone conference for final directions and fixing a date for full hearing.

Parties should note that any live hearings will be strictly timetabled and capacity within the Masters Chambers and the Masters Courtroom will be restricted to ensure compliance with social distancing requirements and PHA advice.

REVIEW LISTS: PERSONAL INJURIES AND CLINICAL NEGLIGENCE CASES

Thursday Review Courts resumed on **10 September 2020**. Cases listed for review will until further notice be dealt with by the court **administratively** (on the papers /written submissions), therefore parties **must not** attend court.

Parties should collaboratively (where possible) complete and lodge Form **QBCI3** by email with the Central Office (centraloffice@courtsni.gov.uk) at least **5 days before the court date** setting out agreed directions or, if there is a dispute, their respective proposals. The subject line of your email should state **"QBD Master's Review List (Administrative) – on** (insert court date)". **An updated form QBCI3 must be filed for any subsequent reviews.**

Where a party is not represented or is a litigant in person, they will be contacted directly by the Court Office and asked to complete and return Form QBCI3 the Central Office.

Where a form QBCI3 is not submitted within the prescribed timescale, the Master may in the absence of good cause make whatever order he considers appropriate.

Where there is a response by one party only, the Master may proceed to issue directions on the basis of that party's proposals only.

Where there is a difference of position between the parties as regards what directions should issue, the parties should file brief written submissions indicating their respective positions. A complete electronic file of the submissions should be sent to the Central Office by one of the parties. Those submissions will then be considered and the court will issue a direction. In the event that a party fails to engage in agreeing directions, the Master will consider the directions proposed by the other party/parties.

Telephone conferencing will continue to be used for reviews in cases where there is a dispute about proposed directions which cannot be resolved in the papers.

EX –PARTE APPLICATIONS

Urgent ex parte applications will be given priority. Such applications must be clearly marked urgent and the papers may be filed by email to the RCJ Front of House: Frontofhousercj@courtsni.gov.uk

AFFIDAVITS

QBD Masters will accept unsworn affidavits in ex parte and inter partes applications subject to the solicitors' undertaking to provide a sworn affidavit as soon as is possible and in inter partes applications, subject to any objection by another party.

INTERIM PAYMENTS

Practitioners should provide a digital hearing bundle containing the summons and grounding affidavit, any replying affidavit, the pleadings, short written submissions, and an agreed summary of the medical evidence. The timetable for the sequence of affidavits and submissions should be agreed between the parties. Authorities are not required. If a contested hearing is required the Master may deal with it on the papers.

If the application is by consent and the terms agreed, the Master will direct that an order be issued in those terms. A formal ex parte application in these circumstances will not be required.

All documents should be in a single digital bundle with an index otherwise the Master will not accept them.